

# The Gazette of India



EXTRAORDINARY

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## LOK SABHA

The following Bills were introduced in Lok Sabha on the 26th August, 1960;—

BILL No. 29 OF 1960

*A Bill further to amend the Legal Practitioners Act, 1879.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Legal Practitioners (Amendment) Act, 1960.

Short title  
and  
commence-  
ment.

5 (2) It shall come into force at once.

15 of 1879, 2. In section 14 of the Legal Practitioners Act, 1879, (hereinafter referred to as the principal Act),—

Amendment  
of section 14.

(1) after paragraph 3, the following new paragraph shall be inserted, namely:—

10 “If the charge fails and the pleader or mukhtar is acquitted, the court shall grant him the costs of the proceedings.”

(2) in paragraph 4, the following shall be added at the end, namely:—

15 “and award the costs of the proceedings to the successful party.”

3. In section 15 of the principal Act, the following shall be added at the end, namely:—

Amendment  
of section 15.

20 “and award the costs of the proceedings to the successful party.”

## STATEMENT OF OBJECTS AND REASONS

The Legal Practitioners Act, 1879 does not provide for the award of costs to the aggrieved party in case an application or complaint filed against the pleader or mukhtar is dismissed and is found false, frivolous or vexatious. It is desirable that the lower courts before which it is investigated and decided and the High Courts be given power to award such costs.

NEW DELHI;

HEM RAJ.

*The 7th April, 1960.*

BILL No. 30 OF 1960

*A Bill to provide for the composition of the Legislative Councils of States and for matters connected therewith.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Legislative Councils (Composition) Act, 1960.

Short title,  
extent and  
commence-  
ment.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

10 (a) 'block samity' means a body of persons, by whatever name called, constituted by or under any State Act for undertaking developmental activities and recognised as a block samity by rules that may be made in this behalf, but shall not include any district board, zila parishad or panchayat;

15 (b) 'prescribed' means prescribed by rules made under this Act;

(c) 'tiller of the soil' means a person who cultivates land by his own labour or by the labour of any members of his family or by servants or by hired labour on wages.

Composition  
of Legisla-  
tive Coun-  
cils.

3. (1) The composition of the Legislative Council of a State shall be as provided in sub-section (2).

(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-twelfth shall be elected by 5  
electorates consisting of members of municipalities in the State;

(b) as nearly as may be, one-sixth shall be elected by elec-  
torates consisting of members of district boards, zila parishads,  
block samitis and such other local authorities within the State,  
not being a panchayat, as may be prescribed; 10

(c) as nearly as may be, one-twelfth shall be elected by  
members of an electoral college chosen by members of panchayats  
within the State and the number of members of the electoral  
college and the manner in which they may be chosen shall be  
such as may be prescribed; 15

(d) as nearly as may be, one-sixth shall be elected by  
members of an electoral college chosen by members of coopera-  
tive societies within the State and the number of members of  
the electoral college and the manner in which they may be  
chosen shall be such as may be prescribed; 20

(e) as nearly as may be, one-twelfth shall be elected by  
electorates consisting of persons residing in the State who have  
been for at least three years graduates of any University in the  
territory of India or have been for at least three years in posses-  
sion of qualifications prescribed by or under any law made by 25  
Parliament as equivalent to that of a graduate of any such  
University;

(f) as nearly as may be, one-twelfth shall be elected by  
electorates consisting of persons who have been for at least five  
years engaged in teaching in such educational institutions within 30  
the State, not lower in standard than that of a secondary school,  
as may be prescribed;

(g) as nearly as may be, one-twelfth shall be elected by  
members of an electoral college chosen by persons who  
have been for at least five years engaged in teaching in such 35  
educational institutions within the State, not higher in standard  
than that of a middle school, as may be specified by rules made  
in this behalf, and the number of members of the electoral  
college and the manner in which they may be chosen shall be  
such as may be prescribed; 40

(h) as nearly as may be, one-twelfth shall be elected by members of such organised bodies within the State, relating to commerce, industry, trade and business, as may be prescribed;

5 (i) as nearly as may be, one-twelfth shall be elected by persons of such organised bodies of the tillers of the soil within the State as may be prescribed;

(j) the remaining members shall be nominated by the Governor in accordance with the provisions of sub-section (4).

10 (3) The members to be elected under clauses (a) to (i) of sub-section (2) shall be chosen in such territorial constituencies as may be prescribed and the elections under the said clauses shall be held in accordance with the system of proportional representation by means of the single transferable vote.

4. The members to be nominated by the Governor under clause 15 (j) of sub-section (2) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely, literature, science, art, co-operative movement and social service.

43 of 1950. 20 5. The provisions of this Act and of the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Representation of the People Act, 1950, or the rules made under that Act. Act to override other laws.

6. (1) The Central Government may, after consulting the Election Commission, by notification in the Official Gazette, make rules 25 for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

30 (a) the block samities and other local authorities which may have representation in the Legislative Council of a State;

(b) the number of persons which an electoral college formed under this Act may consist of and the manner of choosing them;

35 (c) the institutions and organised bodies which may have representation in the Legislative Council of a State;

(d) the territorial constituencies into which a State may be divided for the purpose of election to the Legislative Council of the State;

(e) any other matter which is to be, or may be, prescribed.

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(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately 5 following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modifications or annulment shall be without prejudice to the validity of anything 10 previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Until Parliament by law otherwise provides the Composition of the Legislative Council of a State is based on the provisions contained in clause (3) of Article 171.

Since the passing of the Constitution organisational patterns of local authorities have changed to a great extent. In the process of democratic decentralisation, some organised bodies have come into being. Co-operative societies are now destined to play a very important part in our body politic. It is expected that the whole country will be covered by such co-operative societies in different spheres of our community life. Also teachers working in educational institutions lower in standard than that of a Secondary School, have been asking for representation in the Council. It is desirable that organised interests should also be given representation so that the Council shall be representative of all interests.

The object of this Bill is to provide for representation to as many organised interests as are functioning in the State. By giving such representation to these interests the Council would not only become more representative but the functioning of such organisations would be encouraged and would get impetus and their working will become beneficial to the community at large. The local Council will be provided with functional representation which appears to be the intention of the Constitution makers. It is not necessary that Members of Legislative Assembly should have the right to elect one third of the **total strength** of the Council. This right has been distributed to organised bodies of industries, commerce, trade and business. Agricultural organisations have also been provided for.

NEW DELHI;  
*The 8th July, 1960.*

SHREE NARAYAN DAS.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill confers on the Central Government power to make rules, in consultation with the Election Commission for determining block samitis and other local authorities, the number of persons which an electoral college formed under the Act may consist of, the institutions and organised bodies which may have representation in the Legislative Council of a State, and territorial constituencies into which a State may be divided for purposes of election to the Legislative Council and similar other matters concerning such election.

The aforesaid matters on which rules can be made are generally matters of detail. The delegation of Legislative power is, therefore, normal in character.



BILL No. 34 OF 1960

*A Bill further to amend the Indian Penal Code, 1860.*

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1960. Short title and commencement.

5 (2) It shall come into force at once.

XLV of  
1860.

2. For section 302 of the Indian Penal Code, 1860, the following section shall be substituted, namely:— Substitution of new section for section 302.

10 “302. Whoever commits murder shall be punished with death, or imprisonment for life except a person below the age of 18 who shall be punished with imprisonment for life unless the competent court thinks it fit to award a sentence of death for reasons to be recorded, and shall also be liable to fine.” Punishment for murder.

## STATEMENT OF OBJECTS AND REASONS

Public opinion is gaining strength that capital punishment should be abolished.

It is desirable that persons of 18 years of age or below convicted of murder should normally be given life sentence unless there are reasons to be recorded in writing to award a death sentence.

Hence this Bill.

NEW DELHI;  
*The 27th May, 1960.*

AJIT SINGH SARHADI.

BILL No. 35 OF 1960

*A Bill to amend the Hindu Marriage Act, 1955.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Marriage (Amendment) Act, 1960. Short title and commencement.

5 (2) It shall come into force at once.

25 of 1955 2. In Section 23 of the Hindu Marriage Act, 1955 after sub-section (2), the following sub-section shall be inserted, namely:— Amendment of Section 23.

10 “(3) In any proceedings under this Act, whether defended or not, if the court comes to the finding that the ground of the petition is the ground specified in clause (f) of sub-section (1) of section 10, or in clause (i) of sub-section (1) of section 13 and that such ground is false, it shall grant damages by decree in favour of the person defamed thus in the same proceedings upto a maximum of five thousand rupees, whatever be the fate  
15 of the petition on other grounds.”

## STATEMENT OF OBJECTS AND REASONS

It has been observed that false and frivolous allegation of the nature mentioned in clause (f) of sub-section (1) of section 10, or in clause (i) of sub-section (1) of section 13 of the Hindu Marriage Act, 1955 are made in the petition under this Act to coerce or defame the other party, which ultimately fail but cause harm to the reputation and character of the aggrieved party.

A deterrent is needed to the making of such false and frivolous allegations, and the only way is to vest the Courts with power to grant damages, where such allegations prove false, whatever the fate of the petition be on other grounds.

Hence this Bill.

NEW DELHI;

AJIT SINGH SARHADI.

*Dated the 9th July, 1960.*

## BILL No. 55 OF 1960

*A Bill to provide for prevention of water and air pollution by wastes and effluent from factories and for matters connected therewith.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Pollution of Water and Air (in Union Territories) Act, 1960. Short title  
and extent.

5 (2) It extends to the Union Territories only.

63 of 1948. 2. In this Act, unless the context otherwise requires, "factory" shall have the same meaning as in the Factories Act, 1948. Definition.

3. Every factory shall make such arrangements for the disposal of its wastes and effluents as not to pollute water and air in the vicinity where it is situate, so as to save the people from the harmful effects on health thereof. Arrangements by factories for disposal of wastes.

4. If a factory does not remove the source of pollution mentioned in section 3, it shall be liable in respect of each day after the expiry of the time specified by the Court in this behalf, to a fine of five hundred rupees: Penalty.

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Provided that if the offence continues beyond ten days after the expiry of the time specified by the Court, the manager of the factory shall also be liable to imprisonment for one month, in addition to the fine imposed by this section.

Persons who  
can sue.      5. Action under this Act can be initiated by any person aggrieved <sup>5</sup>  
by the pollution referred to in section 3.

## STATEMENT OF OBJECTS AND REASONS

With the growth of industrialisation in the country the problem of disposal of the wastes and effluents of factories is assuming greater importance. The effluents from sugar factories and distilleries are being freely flown in the neighbouring rivers or stored near the neighbouring town and village thus proving a source of great nuisance to the people by giving out offensive smell and polluting the source of water used for bathing and drinking purposes and prejudicially affecting public health. It is, therefore, necessary to find out ways and means to stop this nuisance. Hence this Bill.

NEW DELHI;  
*The 14th July, 1960.*

JHULAN SINHA.

BILL No. 56 OF 1960

*A Bill further to amend the Mines Act, 1952.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Mines (Amendment) Act, 1960.

(2) It extends to the whole of India except the State of Jammu and Kashmir. 5

(3) It shall come into force at once.

Amendment  
of section 12.

2. In section 12 of the Mines Act, 1952, (hereinafter referred to as the principal Act) after sub-section (3), the following sub-section shall be added, namely:—

“(4) (a) Every Mining Board constituted under this Act 10 shall meet at least twice in a year.

(b) The chairman or, in his absence, any person chosen by the said persons shall preside at a meeting of a Mining Board.

(c) All questions at a meeting of a Mining Board shall be decided by a majority of the votes of the persons present and 15 voting.

(d) The quorum to constitute a meeting of a Mining Board shall be, as near as may be, one third of the total number of the said persons:



Provided that if there is no quorum the meeting shall be adjourned:

5 Provided further that if there is no quorum at the adjourned meeting, all questions shall be decided by a majority of the persons present and voting."

3. In section 64 of the principal Act, for the words "shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both", the following shall be substituted, namely:— Amendment of section 64.

10 "shall be punishable with imprisonment for a term which may extend to three months but shall not be less than one month or with fine which may extend to one thousand rupees but shall not be less than three hundred rupees, or with both."

4. In section 66 of the principal Act, after the words "one thousand rupees" the words "but shall not be less than one hundred rupees" shall be added. Amendment of section 66.

5. To section 67 of the principal Act, the following proviso shall be added, namely:— Amendment of section 67.

20 "Provided that the penalty imposed under this section shall not be less than an imprisonment for one month or a fine of three hundred rupees for the first offence."

6. In section 70 of the principal Act,—

Amendment of section 70.

25 (1) in sub-section (1), for the words "which may extend to three months, or with fine which may extend to five hundred rupees", the following shall be substituted, namely:—

"which may extend to three months but not less than six weeks or with fine which may extend to five hundred rupees but not less than three hundred rupees."

30 (2) in sub-section (2), for the words "which may extend to three months, or with fine which may extend to five hundred rupees", the following shall be substituted, namely:—

"which may extend to three months, but not less than six weeks or with fine which may extend to five hundred rupees but not less than three hundred rupees."

Amendment  
of section  
72C.

7. In sub-section (1) of section 72C of the principal Act,—

(1) in clause (a), for the words “which may extend to two years or with fine which may extend to five thousand rupees”, the following shall be substituted, namely:—

“which may extend to two years but shall not be less than 5  
six months, or with fine which may extend to five thousand  
rupees, but shall not be less than one thousand rupees.”

(2) in clause (b), for the words “which may extend to one  
year, or with fine which may extend to three thousand rupees,”  
the following shall be substituted, namely:— 10

“which may extend to one year but shall not be less  
than three months, or with fine which may extend to three  
thousand rupees but shall not be less than one thousand  
rupees”; and

(3) in clause (c), for the words “which may extend to three 15  
months, or with fine which may extend to one thousand rupees”,  
the following shall be substituted, namely:—

“for a term of three months or with fine which may  
extend to one thousand rupees, but shall not be less than  
three hundred rupees.” 20

Amendment  
of section 73.

8. In section 73 of the principal Act, for the words “which may  
extend to”, the word “of” shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

It appears from reports about the working of penal provisions of the Mines Act, 1952 that the Courts have generally taken a very lenient view of the offences under the Act. Consequently the enactment has not served the desired purpose. Hence the provisions have been proposed for prescribing the minimum sentence. Opportunity has also been taken to amend section 12 of the Act so as to provide that the Mining Boards do meet at least twice a year and take decisions speedily.

NEW DELHI;  
*The 14th July, 1960.*

JHULAN SINHA

## BILL No. 50 OF 1960

*A Bill further to amend the Factories Act, 1948.*LXIII of  
1948.

BE it enacted by the Parliament in the Eleventh Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Factories (Amendment) Act, 1960.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

Insertion of  
new section  
9A.

2. After section 9 of the Factories Act, 1948, the following section shall be inserted, namely:—

LXIII of  
1948.

Enquiry by  
Inspector.

“9A. An Inspector under this Act shall have power to enquire into the cause of any accident and to take suitable remedial and penal measures”.

## STATEMENT OF OBJECTS AND REASONS

From the experience of the working of the Factories Act, 1948 it has been felt that an Inspector under the Act should have the power to enquire into the causes of an accident in a factory and to take suitable remedial and penal measures in respect thereof. The provisions of the Bill are intended to achieve that object.

NEW DELHI;  
*The 14th April, 1960.*

JHULAN SINHA.

## BILL No. 51 OF 1960

*A Bill to prohibit exploitation of labour and for matters incidental thereto.*

BE it enacted by the Parliament in the Eleventh Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Labour Exploitation (Prohibition) Act, 1960.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. In this act, unless the context otherwise requires,—

(a) “exploitation” means using and utilising labour for any ulterior objective while ostensibly trying to further the interest thereof. 10

(b) “labour” includes all those persons who are or may become members of labour unions by whatsoever name known.

Persons not  
in actual  
work under  
the employer  
ineligible  
for Member-  
ship of the  
labour  
union.

3. Notwithstanding anything contained in any law or in anything having the force of law for the time being in force no person who is not in actual work under the employer in any industry where the labour union concerned operates shall become a member or office bearer of that union nor shall he receive and spend any sum out of 15

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the funds of that union for any purpose to promote or help the cause thereof by participating in the meetings of the union or otherwise.

4. Whoever acts in contravention of the provisions of this Act <sup>Penalty.</sup> shall be liable on conviction to imprisonment of either description for a term of six months or with fine or with both.

## STATEMENT OF OBJECTS AND REASONS

It is high time for effective steps to be taken to save the labour force in this country from exploitation by politicians and others who under the cover of furthering the interest of the labour actually promote their own objectives and cause ultimate harm to the cause of labour-employer relations and loss to the Nation also. The trade union movement has amply developed self-consciousness in the labour population who may safely be left to look to their own welfare. The Bill is intended to achieve this purpose by banning the association of politicians with labour unions and the utilisation by them of the funds thereof.

NEW DELHI;

JHULAN SINHA

*The 11th July, 1960.*

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M. N. KAUL,  
*Secretary.*